

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RYAN BENNETT,

Plaintiff,

-against-

BROOKLYN CRIMINAL COURT,

Defendant.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 28 2017 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION
MEMORANDUM & ORDER
16-CV-5111 (CBA) (LB)

AMON, United States District Judge:

Plaintiff, proceeding *pro se*, and then detained at Rikers Island, commenced this lawsuit pursuant to 42 U.S.C. § 1983 on September 9, 2016. By Memorandum and Order dated December 29, 2016, the Court dismissed the complaint for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B), but granted Plaintiff leave to file an amended complaint in accordance with the December 29, 2016 Order within thirty (30) days of the date of the Memorandum and Order. Plaintiff has not filed an amended complaint and the time for doing so has passed. Accordingly, the complaint is hereby dismissed without prejudice.¹

¹ The action is dismissed without prejudice and shall be entered on the docket, but this Order need not be mailed to the address of record. As noted in the December 29, 2016 Memorandum and Order, plaintiff is no longer detained at Rikers Island and he has not informed the court of his current address, despite his obligation to do so. The December 29, 2016 Memorandum and Order was returned to the Court by the United States Postal Service. (See D.E. # 7).

Since there is no address to which this Order may be sent, the Clerk of Court is directed to provide plaintiff with a copy of this Order and the December 29, 2016 Memorandum and Order should plaintiff (a) appear at the Clerk's Office or (b) provide a mailing address.

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED:

Dated: April 28, 2017
Brooklyn, New York

s/Carol Bagley Amon
Carol Bagley Amon
United States District Judge